

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ROSALIND A. CLAYTON,

Plaintiff,

vs.

MEGAN J. BRENNAN,

*Postmaster General*

*United States Postal Service, et al.,*

Defendants.

Case No. 4:18-cv-01039-JAR

**MEMORANDUM AND ORDER**

This matter is before the Court on three motions filed by Plaintiff Rosalind A. Clayton: a “Request for Leave to Amend the Title on Her Memorandum in Opposition to Brennan’s Partial Motion to Dismiss Plaintiff[’s] 4th Amended Complaint” (Doc. 62); a “Request to File Leave to Supplement Her Objections, Motions in Opposition to Brennan’s and APWU[’s] 2nd Partial Motion to Dismiss Plaintiff[’s] 4th Amended Complaint and Defendants[’] Pattern to Failed [sic] to Comply with F.R.C.P.” (Doc. 64); and “2nd Request to File for Leave to Supplement Her Objections Memorandum in Support of Her Motion in Opposition to Brennan’s Motion to Dismiss Plaintiff[’s] 4th Amended Complaint” (Doc. 69).

Currently pending in this case are Motions to Dismiss filed by Defendant American Postal Worker Union AFL-CIO (“Union”) (Doc. 50), and Megan J. Brennan, Postmaster General United States Postal Service (Doc. 53). Plaintiff Rosalind A. Clayton filed responses in opposition to both. (Docs. 61, 63.) She now seeks leave to amend or supplement those filings in various ways,

ranging from the correction of minor clerical errors to adding new substantive claims against Defendants.

### **Doc. 62 – Request for Leave to Amend Title**

Plaintiff asks leave to change the title on (Doc. 61), her Memorandum in Opposition to Brennan’s Motion to Dismiss from “Plaintiff Objections to Defendant Second Motion to Dismiss Plaintiff’s Fourth Amended Complaint and Memorandum in Support of the Motion” to “Plaintiff Memorandum in Opposition to Brennan’s Partial Motion to Dismiss Plaintiff 4th Amended Complaint.” The Court will allow this change and will consider (Doc. 62-1) to be the operative filing in opposition to Brennan’s motion.

### **Doc. 64 – Request for Leave to Supplement Her Opposition**

Plaintiff asks leave to add additional factual and legal support in opposition to Defendant’s motions to dismiss. (Doc. 64.) Specifically, she seeks to add a request for sanctions against both Defendants for their “pattern” of untimely filing and an argument that their Motions to Dismiss should be denied due to that untimeliness. (*Id.*) In addition, she asserts that Defendants’ answers are “vague, ambiguous and incomplete.” (*Id.*)

The Court will deny Plaintiff’s motion. It does not believe that “Brennan[’s] request for extension of time was dilatory” or “made in bad faith” and therefore concludes that granting Brennan’s request for extension was proper. (*See id.*) For the same reason, it will not deny Brennan’s Motion to Dismiss on that basis. Finally, the Court finds that Defendants’ answers are sufficient to meet the requirements of the Federal Rules of Civil Procedure.

### **Doc. 69 – Second Request for Leave to Supplement Her Opposition**

Plaintiff’s second motion to supplement begins by asking leave to correct a typographical error related to when she filed her complaint with the EEOC and then asks leave to add “gender

and race claims.” (Doc. 69.) She then provides five pages of factual assertions in support of her various substantive claims. (*Id.* at 3-8.)

In its March 11, 2020, Order denying the Union’s Partial Motion to Dismiss, the Court indicated its desire “to proceed to the merits of the case” and advised the parties “that no future amendment or supplement to Plaintiff’s Fourth Amended Complaint of any kind will be allowed.” (Doc. 48.) Accordingly, the Court will deny Plaintiff’s motion to the extent she seeks to include additional legal arguments or factual support. The Court will allow her to correct the typographical error and will consider the corrected date as relevant and to the extent it comports with the record.


Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff’s “Request for Leave to Amend the Title on Her Memorandum in Opposition to Brennan’s Partial Motion to Dismiss Plaintiff’s 4th Amended Complaint” (Doc. 62), is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff’s “Request to File Leave to Supplement Her Objections, Motions in Opposition to Brennan’s and APWU’s 2nd Partial Motion to Dismiss Plaintiff’s 4th Amended Complaint and Defendants’ Pattern to Failed [sic] to Comply with F.R.C.P.” (Doc. 64), is **DENIED**.

**IT IS FINALLY ORDERED** that Plaintiff’s “2nd Request to File for Leave to Supplement Her Objections Memorandum in Support of Her Motion in Opposition to Brennan’s Motion to Dismiss Plaintiff’s 4th Amended Complaint” (Doc. 69), is **GRANTED in part** to allow the correction of the date she filed her EEOC complaint and **DENIED in part** as to the remaining supplementation.

Dated this 26th day of May, 2020.

  
\_\_\_\_\_  
JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE